

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION

STEVEN LOWN,	)	
	)	NO. C05-1033 LRR
Plaintiff,	)	
vs.	)	ANSWER TO COMPLAINT
	)	
THE ARCHDIOCESE OF DUBUQUE	)	
and WILLIAM T. SCHWARTZ,	)	
	)	
Defendants.	)	

COMES NOW Defendant, William T. Schwartz, and in Answer to Plaintiff's Complaint states as follows:

**PARTIES, JURISDICTION AND VENUE**

1. That the allegations of paragraph 1 thereof are denied for lack of information.
2. That the allegations of paragraph 2 thereof are admitted.
3. That the allegations of paragraph 3 thereof are admitted.
4. That the allegations of paragraph 4 thereof are denied.
5. That the allegations of paragraph 5 thereof are denied.
6. That the allegations of paragraph 6 thereof are admitted.

**GENERAL ALLEGATIONS**

7. That Defendant herein incorporates by reference his answer to Paragraphs 1 through 6 as though fully set forth herein.
8. That the allegations of paragraph 8 thereof are admitted.
9. That the allegations of paragraph 9 thereof are denied for lack of information.

10. That the allegations of paragraph 10 thereof are denied.
11. That the allegations of paragraph 11 thereof are denied.
12. That the allegations of paragraph 12 thereof are denied for lack of information.
13. That the allegations of paragraph 13 thereof are denied.
14. That the allegations of paragraph 14 thereof are denied.
15. That the allegations of paragraph 15 thereof are denied.
16. That the allegations of paragraph 16 thereof are denied.
17. That the allegations of paragraph 17 thereof are denied.
18. That the allegations of paragraph 18 thereof are denied.
19. That the allegations of paragraph 19 thereof are denied.
20. That the allegations of paragraph 20 thereof are denied.
21. That the allegations of paragraph 21 thereof are denied.
22. That the allegations of paragraph 22 thereof are denied.
23. That the allegations of paragraph 23 thereof are denied.
24. That the allegations of paragraph 24 thereof are denied.
25. That the allegations of paragraph 25 thereof are denied.
26. That the allegations of paragraph 26 thereof are denied.
27. That the allegations of paragraph 27 thereof are denied.
28. That the allegations of paragraph 28 thereof are denied.
29. That the allegations of paragraph 29 thereof are denied.
30. That the allegations of paragraph 30 thereof are denied.

31. That the allegations of paragraph 31 thereof are denied.

32. That the allegations of paragraph 32 thereof are denied.

33. That the allegations of paragraph 33 thereof are denied.

34. That the allegations of paragraph 34 thereof are denied.

#### **COUNT I - ASSAULT AND BATTERY**

35. That Defendant hereby incorporates by reference his answers to Paragraph 1 through 34 as though fully set forth herein.

36. That the allegations of paragraph 36 thereof are denied.

37. That Defendant denies the acts of assault and battery alleged occurred.

38. That the allegations of paragraph 38 thereof are denied.

39. That the allegations of paragraph 39 thereof are denied.

40. That the allegations of paragraph 40 thereof are denied.

WHEREFORE, Defendant, William T. Schwartz, prays that Count I of Plaintiff's Complaint be dismissed at Plaintiff's cost.

#### **COUNT II - SEXUAL ABUSE**

41. That Defendant incorporates by reference his answers to Paragraphs 1 through 40 as though fully set forth herein.

42. That the allegations of paragraph 42 thereof are denied.

43. That the allegations of paragraph 43 thereof are denied.

44. That the allegations of paragraph 44 thereof are denied.

45. That the allegations of paragraph 45 thereof are denied.

WHEREFORE, Defendant, William T. Schwartz, prays that Count II of Plaintiff's Complaint be dismissed at Plaintiff's cost.

**COUNT III - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

46. That Defendant incorporates by reference his answers to Paragraphs 1 through 45 as though fully set forth herein.

47. That the allegations of paragraph 47 thereof are denied.

48-52. That the allegations of paragraphs 48-52 thereof make no claim against the Defendant and, therefore, no answer is required.

WHEREFORE, Defendant, William T. Schwartz, prays that Count III of Plaintiff's Complaint be dismissed at Plaintiff's cost.

**COUNT IV - BREACH OF FIDUCIARY DUTY**

53. That Defendant hereby incorporates by reference his answers to Paragraphs 1 through 52 as though fully set forth herein.

54. That the allegations of paragraph 54 thereof are denied.

55. That the allegations of paragraph 55 make no claim against the Defendant and, therefore, no answer is required.

56. That the allegations of paragraph 56 thereof are denied.

57. That the allegations of paragraph 57 thereof are denied.

WHEREFORE, Defendant, William T. Schwartz, prays that Count IV of Plaintiff's Complaint be dismissed at Plaintiff's cost.

**COUNT V - NEGLIGENCE, SUPERVISING, WARNING, DOCUMENTING, AND/OR RETAINING BY DEFENDANT DIOCESE**

58. That Defendant hereby incorporates by reference his answers to Paragraphs 1 through 57 as though fully set forth herein.

59-63. That the allegations of paragraphs 59 through 63 thereof make no claim against the Defendant and, therefore, no answer is required.

WHEREFORE, Defendant, William T. Schwartz, prays that Count V of Plaintiff's Complaint be dismissed at Plaintiff's cost.

**AFFIRMATIVE DEFENSES**

COMES NOW Defendant William T. Schwartz and in further Answer to Plaintiff's Complaint affirmatively states as follows:

1. Plaintiff's claims are barred by the statute of limitation.
2. Plaintiff's claims are barred by the statute of limitations existing at the time of the alleged acts and those that applied since the alleged acts.

Respectfully submitted,

WILLIAM T. SCHWARTZ, Defendant

By: /s/ Werner Hellmer

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